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Appln. No. 09/991,096  
Amendment dated August 21, 2007  
Reply to Office Action mailed May 29, 2007

**REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 34 remain in this application. No claims have been cancelled or withdrawn. Claims 36 through 38 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

**Paragraphs 2 through 4 of the Office Action**

Claims 1 through 12, 14 through 17, 20 through 26, 29 and 31 through 34 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean in view of Davis.

Claims 13, 18, 19, 27 and 28 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean and Davis as applied above and further in view of Official Notice.

Claim 30 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean.

Claim 1, particularly as amended, requires "a user personal computer requiring an initial setup interaction with the user to reach an operating state for the user personal computer, the user personal computer being configured to detect and upload data characterizing the interaction by the user with the user personal computer during the initial setup interaction with the user of the user personal computer" (emphasis added). Claim 10 requires "a user personal computer requiring a process of initialization prior to establishing an operating state in the user personal computer, the user personal computer being configured to detect and upload data related to the user's out-of-box interaction with the user personal computer during initialization". Claim 12 requires "initializing the user personal computer including the user interaction detecting capability, by the user" and

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"detecting, during the initializing by the user, data related to the user's interactions with the personal computer during initialization". Claim 20 requires "detecting an initialization interaction between a user and a user personal computer when the user sets up [[[a]]] the user personal computer". Claim 22 requires "a second software program capable of causing the user personal computer to detect and compile the user's initial interactions with the user personal computer performing the first software program" and "wherein the first software program facilitates establishment of an operating state in the user personal computer". Claim 23 requires "means for detecting an initialization activity of a user when the user initializes a personal computer" and "means for saving the initialization activity detected by said monitoring means to a file".

It is contended in the rejection of the Office Action that:

a user personal computer requiring an initial setup to reach an operating state for the user personal computer, the user personal computer being configured to detect and upload data characterizing a user's interaction with the personal computer during an initial setup of the user personal computer (Fig. 3-Fig.27; Column 7, lines 11-Column 8, lines 40, Dean discloses a system capable of detecting user interaction with a computer and storing that data);

It is then conceded that:

Dean does not explicitly teach claim limitation of uploading the detected user interaction data to a remote server and receiving that data by the remote server.

And then asserted that:

However, Davis teaches the claimed limitation of uploading the detected user interaction data to a remote server and receiving that data by the remote server (abstract, Column 4, lines 47-Column 5, lines 12).

And further that:

It would have been obvious in the ordinary skill of the art at the time of the invention to modify Dean by adding functionality for uploading the detected user interaction data to a remote server and receiving that data by the remote server, which would provide users

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interaction with resources and usage of those resources. One would be motivated to do so to enhance system's client activities monitoring capability.

However, it is submitted that the Dean system lacks a significant requirement of the claims in that the Dean patent does not disclose, for example, "detect[ing] and upload[ing] data characterizing the interaction by the user with the user personal computer during the initial setup interaction with the user of the user personal computer". Instead, as shown below, the Dean system utilizes a first computer to perform the "installation and configuration" for a second computer, for the express purpose that the second computer does not need to be utilized (and thus taken out of operation) for the purposes of the "installation and configuration". Thus, as will become evident from the following, the purpose of the Dean system is to avoid having to configure the second computer while using the second computer, instead the configuration is performed and recorded on the first computer for subsequent use on the second computer.

Initially, it is noted that the general purpose of the Dean system to minimize the downtime due to installation and configuration is set forth at col. 2, lines 11 through 21, where it is stated that (emphasis added):

The present invention together with the above cross-referenced concurrently filed copending patent applications provide solutions which are directed to minimizing the time required for installation and configuration, as well as the significant upgrading of networks made up of a plurality of server computers having groups of client computers connected to each server computer. These inventions further minimize the number of computers in the network which have to be involved in each stage of an installation to thereby permit some of the system to remain functional for as long as possible during an upgrade.

More specifically, Dean discusses how this general purpose is attempted to be achieved—by performing the installation and configuration on another computer—as is stated at col. 2, lines 31 through 39 (emphasis added):

One server computer having an interactive display interface is then designated as a primary server computer. Then, all of the interactive selection entries required to install all of the application programs and

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the driver programs which may be required to support said internal and external components of all of the other server and client computers in the network are then made into the interactive display interface of said primary server computer.

This is further explained at col. 2, line 49 through col. 3, line 5 (all emphasis added):

The present invention uses the data files and other information developed during the preliminary processing which involved the primary server computer alone as covered by those two copending patent applications. The primary server loads all of the selected application programs onto their respective server and client computers and completes the network configuration under the control of the profile data file which is stored in the primary server computer. All of the selected programs to be installed throughout the network of server and client computers are first loaded into the primary server computer. Then, there is run the sequence of the keystroke and cursor entries required to install said selected components and programs on said server and client computers as recorded in a data file representative of said sequence of entries stored in said primary server computer. As a result, the programs and components are automatically loaded into the respective server and client computers in said network requiring said programs and components. The programs thus distributed include the operating systems for the server and client computers. Driver programs, as well as programs supporting various selected adapters such as network adapters, are preloaded and distributed throughout the network in this manner. Also, all network settings and other configurations are done in this way.

Thus, not only is the installation and configuration "keystrokes and cursor entries" performed on a computer different from the computer that is actually being installed and configured, the data collected from these entries are "automatically loaded" onto the client computer—there is no interaction between the client computer and the user during this installation and configuration.

It is therefore submitted that the Dean patent does not disclose "the user personal computer being configured to detect and upload data characterizing the interaction by the user with the user personal computer during the initial setup interaction with the user of the user personal

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computer", and that the Dean patent is more likely to lead one of ordinary skill in the art away from such a requirement, as the Dean system is clearly directed to moving installation and configuration operations to another computer in order to minimize the time that the computer being installed and configured is taken out of service. Instead, Dean proposes automatically loading these keystrokes and mouse entries that were recorded on another computer, which indicates that there is little or no "interaction:" between the user and the computer being installed and configured, which minimizes the downtime of that computer.

It is also noted that the Dean system is directed to computers that are already in operation and that are merely being reconfigured and new software being installed, and thus would not suggest an initial setup interaction or initialization of the computer, but an update process.

Generally, the system of the invention is directed to a user personal computer and the initialization process performed by the user, and the problems that may occur during that process. The invention is thus highly suitable for the initialization of personal computers by a user that is not a part of an enterprise system that has access to servers on which configurations can be performed and saved on servers prior to the actual configuration.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Dean and Davis and Dean, Davis and Official Notice set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 10, 12, 20, 22 and 23. Further, claims 2 through 4, 6, 8, 9, 25, 26 through 31 which depend from claim 1, claims 5, 7 and 11, which depend from claim 10, claims 13 through 18, which depend from claim 12, claim 19, which depends from claim 18, claim 21, which depends from claim 20 and claim 24, which depends from claim 23 also include the requirements

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discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1 through 31 is therefore respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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Jeffrey A. Proehl (Reg. No. 35,987)  
Customer No. 40,158  
P.O. Box 5027  
Sioux Falls, SD 57117-5027  
(605)336-3890 FAX (605)339-3357